

1 U.S. District Judge Lauren King
2 US Magistrate Judge S. Kate Vaughan
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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 JUSTIN ALLEN DAVEY,

NO. 3:21-cv-05068-JCC-SKV

9 Plaintiff,

10 vs.

11 PIERCE COUNTY COUNCIL, ED
12 TROYER, PATTI JACKSON, BRIAN
13 SUTHERLIN, MATTHEW DOBSON,
14 ANTHONY MASTANDREA, DARRYL
15 HERBISON, AND TORVALD PEARSON,

Defendants.

PIERCE COUNTY DEFENDANTS'
ANSWER TO PLAINTIFF'S SECOND
AMENDED COMPLAINT

16 I. ANSWER

17 COME NOW the Defendants Pierce County, by and through their attorneys of record,
18 Mary E. Robnett, Pierce County Prosecuting Attorney, and Frank A. Cornelius, Deputy
19 Prosecuting Attorney, and make the following Answer to Plaintiff's Second Amended Complaint
20 for Personal Injuries. These answering Defendants deny each and every allegation of Plaintiff's
21 Complaint not specifically admitted to herein.

22 1.1 In answer to the allegations in paragraph 1.1 of Plaintiff's Second Amended
23 Complaint, these answering Defendants admit jurisdiction.
24

1 1.2 In answer to the allegations in paragraph 2.2 of Plaintiff's Second Amended
2 Complaint, these answering Defendants admit that Plaintiff was incarcerated at the Pierce
3 County jail. As to any remaining allegations, Defendants are without sufficient information to
4 admit or deny, and therefore, deny the same.

5 1.3 In answer to the allegations in paragraph 3.3 of Plaintiff's Second Amended
6 Complaint, these answering Defendants admit that Pierce County is a political subdivision of the
7 State of Washington with address 930 Tacoma Avenue S., Tacoma, WA 98402 As to all
8 remaining allegations, Defendant denies the same.

9 **COUNT 1**

10 1.1 In answer to the allegations in paragraph 1.1, 1-8 of Plaintiff's Second Amended
11 Complaint, these answering Defendants deny the same.

12 **FACTS**

13 1.2 In answer to the allegations in paragraph 1.2 of Plaintiff's Second Amended
14 Complaint, these answering Defendants are without sufficient information to admit or deny the
15 allegations, and therefore, deny the same.

16 1.3 In answer to the allegations in paragraph 1.3 of Plaintiff's Second Amended
17 Complaint, these answering Defendants admit the same.

18 1.4 In answer to the allegations in paragraph 1.4 of Plaintiff's Second Amended
19 Complaint, these answering Defendants are without sufficient information to admit or deny the
20 allegations, and therefore, deny the same.

21 1.5 In answer to the allegations in paragraph 1.5 of Plaintiff's Second Amended
22 Complaint, these answering Defendants state that the allegations are argumentative. Defendants
23 are without sufficient information to admit or deny the allegations, and therefore, deny the same.

24 1.6 In answer to the allegations in paragraph 1.6 of Plaintiff's Second Amended

1 Complaint, these answering Defendants are without sufficient information to admit or deny the
2 allegations, and therefore, deny the same.

3 1.7 In answer to the allegations in paragraph 1.7 of Plaintiff's Second Amended
4 Complaint, these answering Defendants are without sufficient information to admit or deny the
5 allegations, and therefore, deny the same.

6 1.8 In answer to the allegations in paragraph 1.8 of Plaintiff's Second Amended
7 Complaint, these answering Defendants are without sufficient information to admit or deny the
8 allegations, and therefore, deny the same.

9 1.9 In answer to the allegations in paragraph 1.9 of Plaintiff's Second Amended
10 Complaint, these answering Defendants are without sufficient information to admit or deny the
11 allegations, and therefore, deny the same.

12 1.10 In answer to the allegations in paragraph 1.10 of Plaintiff's Second Amended
13 Complaint, these answering Defendants state that the allegations are argumentative and
14 speculative. Defendants are without sufficient information to admit or deny the allegations, and
15 therefore, deny the same.

16 1.11 In answer to the allegations in paragraph 1.11 of Plaintiff's Second Amended
17 Complaint, these answering Defendants state that the allegations are argumentative and
18 speculative. Defendants are without sufficient information to admit or deny the allegations, and
19 therefore, deny the same.

20 1.12 In answer to the allegations in paragraph 1.12 of Plaintiff's Second Amended
21 Complaint, these answering Defendants state that the allegations are argumentative. Defendants
22 are without sufficient information to admit or deny the allegations, and therefore, deny the same.

23 1.13 In answer to the allegations in paragraph 1.13 of Plaintiff's Second Amended
24 Complaint, these answering Defendants are without sufficient information to admit or deny the

1 allegations, and therefore, deny the same.

2 1.14 In answer to the allegations in paragraph 1.14 of Plaintiff's Second Amended
3 Complaint, these answering Defendants are without sufficient information to admit or deny the
4 allegations, and therefore, deny the same.

5 1.16 In answer to the allegations in paragraph 1.16 (typographical error in pleading—
6 there is no paragraph 1.15) of Plaintiff's Second Amended Complaint, and to the extent that the
7 allegation(s) call for expert medical testimony, these answering Defendants deny the same.
8 Defendants also state that the allegation(s) are argumentative. As to the remaining allegations,
9 Defendants are without sufficient information to admit or deny the allegations, and therefore,
10 deny the same.

11 1.17 In answer to the allegations in paragraph 1.17 of Plaintiff's Second Amended
12 Complaint, Defendants state that the allegation(s) are argumentative. As to the remaining
13 allegations, Defendants are without sufficient information to admit or deny the allegations, and
14 therefore, deny the same.

15 1.18 In answer to the allegations in paragraph 1.18 of Plaintiff's Second Amended
16 Complaint, Defendants state that the allegation(s) are argumentative. As to the remaining
17 allegations, Defendants are without sufficient information to admit or deny the allegations, and
18 therefore, deny the same.

19 1.17 In answer to the allegations in paragraph 1.17 (typographical error in pleading—
20 Plaintiff added another paragraph 1.17) of Plaintiff's Second Amended Complaint, these
21 answering Defendants state that the allegation(s) are argumentative. As to the remaining
22 allegations, Defendants are without sufficient information to admit or deny the allegations, and
23 therefore, deny the same.

24 1.18 In answer to the allegations in paragraph 1.18 (typographical error in pleading—

1 Plaintiff added another paragraph 1.18) of Plaintiff's Second Amended Complaint, these
2 answering Defendants state that the allegation(s) are argumentative. As to the remaining
3 allegations, Defendants are without sufficient information to admit or deny the allegations, and
4 therefore, deny the same.

5 1.19 In answer to the allegations in paragraph 1.19 of Plaintiff's Second Amended
6 Complaint, these answering Defendants state that the allegation(s) are argumentative. As to the
7 remaining allegations, Defendants are without sufficient information to admit or deny the
8 allegations, and therefore, deny the same.

9 1.20 In answer to the allegations in paragraph 1.20 of Plaintiff's Second Amended
10 Complaint, these answering Defendants state that the allegations are argumentative. Defendants
11 further answer that they are without sufficient information to admit or deny the allegations, and
12 therefore, deny the same.

13 1.21 In answer to the allegations in paragraph 1.21 of Plaintiff's Second Amended
14 Complaint, these answering Defendants state that the allegations are argumentative. Defendants
15 further answer that they are without sufficient information to admit or deny the allegations, and
16 therefore, deny the same.

17 1.22 In answer to the allegations in paragraph 1.22 of Plaintiff's Second Amended
18 Complaint, these answering Defendants state that the allegations are argumentative. Defendants
19 further answer that they are without sufficient information to admit or deny the allegations, and
20 therefore, deny the same.

21 1.23 In answer to the allegations in paragraph 1.23 of Plaintiff's Second Amended
22 Complaint, these answering Defendants state that the allegations are argumentative. Defendants
23 further answer that they are without sufficient information to admit or deny the allegations, and
24 therefore, deny the same.

1 1.24 In answer to the allegations in paragraph 1.24 of Plaintiff's Second Amended
 2 Complaint, Defendants state that the allegations are argumentative and object to the extent that
 3 the allegations call for a legal conclusion. Defendants further answer that they are without
 4 sufficient information to admit or deny the allegations, and therefore, deny the same.

5 1.25 In answer to the allegations in paragraph 1.25 of Plaintiff's Second Amended
 6 Complaint, Defendants state that the allegations are argumentative and object to the extent that
 7 the allegations call for a legal conclusion. Defendants further answer that they are without
 8 sufficient information to admit or deny the allegations, and therefore, deny the same.

9 1.26 In answer to the allegations in paragraph 1.26 of Plaintiff's Second Amended
 10 Complaint, Defendants state that the allegations are argumentative and object to the extent that
 11 the allegations call for a legal conclusion. Defendants further answer that they are without
 12 sufficient information to admit or deny the allegations, and therefore, deny the same.

13 1.27 In answer to the allegations in paragraph 1.27 of Plaintiff's Second Amended
 14 Complaint, Defendants state that the allegations are argumentative and object to the extent that
 15 the allegations call for a legal conclusion. Defendants further answer that they are without
 16 sufficient information to admit or deny the allegations, and therefore, deny the same.

17 1.28 In answer to the allegations in paragraph 1.28 of Plaintiff's Second Amended
 18 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
 19 that they are without sufficient information to admit or deny the allegations, and therefore, deny
 20 the same.

21 1.29 In answer to the allegations in paragraph 1.29 of Plaintiff's Second Amended
 22 Complaint, Defendants state that the allegations are argumentative and object to the extent that
 23 the allegations call for a medical opinion and/or legal conclusion. Defendants further answer that
 24 they are without sufficient information to admit or deny the allegations, and therefore, deny the

1 same.

2 1.30 In answer to the allegations in paragraph 1.30 of Plaintiff's Second Amended
3 Complaint, Defendants state that the allegations are argumentative and object to the extent that
4 the allegations call for a legal conclusion. Defendants deny the same.

5 1.31 In answer to the allegations in paragraph 1.31 of Plaintiff's Second Amended
6 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
7 that they are without sufficient information to admit or deny the allegations, and therefore, deny
8 the same.

9 1.32 In answer to the allegations in paragraph 1.32 of Plaintiff's Second Amended
10 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
11 that they are without sufficient information to admit or deny the allegations, and therefore, deny
12 the same.

13 1.33 In answer to the allegations in paragraph 1.33 of Plaintiff's Second Amended
14 Complaint, Defendants state that they are without sufficient information to admit or deny the
15 allegations, and therefore, deny the same.

16 1.34 In answer to the allegations in paragraph 1.34 of Plaintiff's Second Amended
17 Complaint, Defendants state that they are without sufficient information to admit or deny the
18 allegations, and therefore, deny the same.

19 1.35 In answer to the allegations in paragraph 1.35 of Plaintiff's Second Amended
20 Complaint, Defendants state that they are without sufficient information to admit or deny the
21 allegations, and therefore, deny the same.

22 1.36 In answer to the allegations in paragraph 1.36 of Plaintiff's Second Amended
23 Complaint, Defendants state that the allegations are argumentative and are hearsay. Defendants
24 further answer that they are without sufficient information to admit or deny the allegations, and

1 therefore, deny the same.

2 1.37 In answer to the allegations in paragraph 1.37 of Plaintiff's Second Amended
 3 Complaint, Defendants state that the allegations are argumentative and object to the extent that
 4 the allegations call for a medical opinion and/or legal conclusion. Defendants further answer that
 5 they are without sufficient information to admit or deny the allegations, and therefore, deny the
 6 same.

7 1.38 In answer to the allegations in paragraph 1.38 of Plaintiff's Second Amended
 8 Complaint, Defendants state that the allegations are argumentative and object to the extent that
 9 the allegations call for a medical opinion and/or legal conclusion. Defendants further answer that
 10 they are without sufficient information to admit or deny the allegations, and therefore, deny the
 11 same.

12 1.39 In answer to the allegations in paragraph 1.39 of Plaintiff's Second Amended
 13 Complaint, Defendants state that the allegations are argumentative and object to the extent that
 14 the allegations call for a medical opinion and/or legal conclusion. Defendants further answer that
 15 they are without sufficient information to admit or deny the allegations, and therefore, deny the
 16 same.

17 1.40 In answer to the allegations in paragraph 1.40 of Plaintiff's Second Amended
 18 Complaint, Defendants state that the allegations are argumentative and object to the extent that
 19 the allegations call for a medical opinion and/or legal conclusion. Defendants further answer that
 20 they are without sufficient information to admit or deny the allegations, and therefore, deny the
 21 same.

22 1.41 In answer to the allegations in paragraph 1.41 of Plaintiff's Second Amended
 23 Complaint, Defendants state that the allegations are argumentative and object to the extent that
 24 the allegations call for a legal conclusion. Defendants further answer that they are without

1 sufficient information to admit or deny the allegations, and therefore, deny the same.

2 1.42 In answer to the allegations in paragraph 1.42 of Plaintiff's Second Amended
3 Complaint, Defendants state that the allegations are argumentative and object to the extent that
4 the allegations call for a medical opinion and/or legal conclusion. Defendants further answer that
5 they are without sufficient information to admit or deny the allegations, and therefore, deny the
6 same.

7 1.43 In answer to the allegations in paragraph 1.43 of Plaintiff's Second Amended
8 Complaint, Defendants state that the allegations are argumentative. Defendants deny the same.

9 1.44 In answer to the allegations in paragraph 1.44 of Plaintiff's Second Amended
10 Complaint, Defendants state that the allegations are argumentative and object to the extent that
11 the allegations call for a legal conclusion. Defendants further answer that they are without
12 sufficient information to admit or deny the allegations, and therefore, deny the same.

13 1.45 In answer to the allegations in paragraph 1.45 of Plaintiff's Second Amended
14 Complaint, Defendants state that they are without sufficient information to admit or deny the
15 allegations, and therefore, deny the same.

16 1.46 In answer to the allegations in paragraph 1.46 of Plaintiff's Second Amended
17 Complaint, Defendants state that the allegations are argumentative and object to the extent that
18 the allegations call for a legal conclusion. Defendants further answer that they are without
19 sufficient information to admit or deny the allegations, and therefore, deny the same.

20 1.47 In answer to the allegations in paragraph 1.47 of Plaintiff's Second Amended
21 Complaint, Defendants state that the allegations are argumentative and object to the extent that
22 the allegations call for a legal conclusion. Defendants further answer that they are without
23 sufficient information to admit or deny the allegations, and therefore, deny the same.

24 1.48 In answer to the allegations in paragraph 1.48 of Plaintiff's Second Amended

1 Complaint, Defendants state that they are without sufficient information to admit or deny the
2 allegations, and therefore, deny the same.

3 1.49 In answer to the allegations in paragraph 1.49 of Plaintiff's Second Amended
4 Complaint, Defendants state that the allegations are argumentative and object to the extent that
5 the allegations call for a legal conclusion. Defendants further answer that they are without
6 sufficient information to admit or deny the allegations, and therefore, deny the same.

7 1.50 In answer to the allegations in paragraph 1.50 of Plaintiff's Second Amended
8 Complaint, Defendants state that the allegations are argumentative and object to the extent that
9 the allegations call for a legal conclusion. Defendants further answer that they are without
10 sufficient information to admit or deny the allegations, and therefore, deny the same.

11 1.51 In answer to the allegations in paragraph 1.51 of Plaintiff's Second Amended
12 Complaint, Defendants state that the allegations are argumentative and object to the extent that
13 the allegations call for a legal conclusion. Defendants further answer that they are without
14 sufficient information to admit or deny the allegations, and therefore, deny the same.

15 1.52 In answer to the allegations in paragraph 1.52 of Plaintiff's Second Amended
16 Complaint, Defendants object to the extent that the allegations call for a legal conclusion.
17 Defendants further answer that they are without sufficient information to admit or deny the
18 allegations, and therefore, deny the same.

19 1.53 In answer to the allegations in paragraph 1.53 of Plaintiff's Second Amended
20 Complaint, Defendants state that the allegations are argumentative and object to the extent that
21 the allegations call for a legal conclusion. Defendants further answer that they are without
22 sufficient information to admit or deny the allegations, and therefore, deny the same.

23 1.54 In answer to the allegations in paragraph 1.54 of Plaintiff's Second Amended
24 Complaint, Defendants state that they are without sufficient information to admit or deny the

1 allegations, and therefore, deny the same.

2 1.55 In answer to the allegations in paragraph 1.55 of Plaintiff's Second Amended
3 Complaint, Defendants state that they are without sufficient information to admit or deny the
4 allegations, and therefore, deny the same.

5 1.56 In answer to the allegations in paragraph 1.56 of Plaintiff's Second Amended
6 Complaint, Defendants that they are without sufficient information to admit or deny the
7 allegations, and therefore, deny the same.

8 1.57 In answer to the allegations in paragraph 1.57 of Plaintiff's Second Amended
9 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
10 that they are without sufficient information to admit or deny the allegations, and therefore, deny
11 the same.

12 1.58 In answer to the allegations in paragraph 1.58 of Plaintiff's Second Amended
13 Complaint, Defendants that they are without sufficient information to admit or deny the
14 allegations, and therefore, deny the same.

15 1.59 In answer to the allegations in paragraph 1.59 of Plaintiff's Second Amended
16 Complaint, Defendants state that they are without sufficient information to admit or deny the
17 allegations, and therefore, deny the same.

18 1.60 In answer to the allegations in paragraph 1.60 of Plaintiff's Second Amended
19 Complaint, Defendants state that the grievance is argumentative and speaks for itself. As to any
20 remaining allegations, Defendants further answer that they are without sufficient information to
21 admit or deny the allegations, and therefore, deny the same.

22 1.61 In answer to the allegations in paragraph 1.61 of Plaintiff's Second Amended
23 Complaint, Defendants state that they are without sufficient information to admit or deny the
24 allegations, and therefore, deny the same.

1 1.62 In answer to the allegations in paragraph 1.62 of Plaintiff's Second Amended
2 Complaint, Defendants admit that the toilets were not clogged. As to any remaining allegations,
3 Defendants further answer that they are without sufficient information to admit or deny the
4 allegations, and therefore, deny the same.

5 1.63 In answer to the allegations in paragraph 1.63 of Plaintiff's Second Amended
6 Complaint, Defendants state that the allegations are argumentative and object to the extent that
7 the allegations call for a medical and/or legal conclusion. Defendants further answer that they are
8 without sufficient information to admit or deny the allegations, and therefore, deny the same.

9 1.64 In answer to the allegations in paragraph 1.64 of Plaintiff's Second Amended
10 Complaint, Defendants state that they are without sufficient information to admit or deny the
11 allegations, and therefore, deny the same.

12 1.65 In answer to the allegations in paragraph 1.65 of Plaintiff's Second Amended
13 Complaint, Defendants state that the allegations contain hearsay, are argumentative and
14 Defendants object to the extent that the allegations call for a legal conclusion. Defendants further
15 answer that they are without sufficient information to admit or deny the allegations, and
16 therefore, deny the same.

17 1.66 In answer to the allegations in paragraph 1.66 of Plaintiff's Second Amended
18 Complaint, Defendants state that the allegations contain hearsay, are argumentative and
19 Defendants object to the extent that the allegations call for a legal conclusion. Defendants further
20 answer that they are without sufficient information to admit or deny the allegations, and
21 therefore, deny the same.

22 1.67 In answer to the allegations in paragraph 1.67 of Plaintiff's Second Amended
23 Complaint, Defendants state that the grievance response speaks for itself. As to any remaining
24 allegations, Defendants further answer that they are without sufficient information to admit or

1 deny the allegations, and therefore, deny the same.

2 1.68 In answer to the allegations in paragraph 1.68 of Plaintiff's Second Amended
3 Complaint, Defendants state that the allegations are argumentative and object to the extent that
4 the allegations call for a legal conclusion. Defendants further answer that they are without
5 sufficient information to admit or deny the allegations, and therefore, deny the same.

6 1.69 In answer to the allegations in paragraph 1.69 of Plaintiff's Second Amended
7 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
8 that they are without sufficient information to admit or deny the allegations, and therefore, deny
9 the same.

10 1.70 In answer to the allegations in paragraph 1.70 of Plaintiff's Second Amended
11 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
12 that they are without sufficient information to admit or deny the allegations, and therefore, deny
13 the same.

14 1.71 In answer to the allegations in paragraph 1.71 of Plaintiff's Second Amended
15 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
16 that they are without sufficient information to admit or deny the allegations, and therefore, deny
17 the same.

18 1.72 In answer to the allegations in paragraph 1.72 of Plaintiff's Second Amended
19 Complaint, Defendants state that they are without sufficient information to admit or deny the
20 allegations, and therefore, deny the same.

21 1.73 In answer to the allegations in paragraph 1.73 of Plaintiff's Second Amended
22 Complaint, Defendants state that they are without sufficient information to admit or deny the
23 allegations, and therefore, deny the same.

24 1.74 In answer to the allegations in paragraph 1.74 of Plaintiff's Second Amended

1 Complaint, Defendants state that they are without sufficient information to admit or deny the
2 allegations, and therefore, deny the same.

3 1.75 In answer to the allegations in paragraph 1.75 of Plaintiff's Second Amended
4 Complaint, Defendants state that they are without sufficient information to admit or deny the
5 allegations, and therefore, deny the same.

6 1.76 In answer to the allegations in paragraph 1.76 of Plaintiff's Second Amended
7 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
8 that they are without sufficient information to admit or deny the allegations, and therefore, deny
9 the same.

10 1.77 In answer to the allegations in paragraph 1.77 of Plaintiff's Second Amended
11 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
12 that they are without sufficient information to admit or deny the allegations, and therefore, deny
13 the same.

14 1.78 In answer to the allegations in paragraph 1.78 of Plaintiff's Second Amended
15 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
16 that they are without sufficient information to admit or deny the allegations, and therefore, deny
17 the same.

18 1.79 In answer to the allegations in paragraph 1.79 of Plaintiff's Second Amended
19 Complaint, Defendants admit that a Complaint was filed on January 25, 2021. Defendants
20 further answer that they are without sufficient information to admit or deny the allegations, and
21 therefore, deny the same.

22 1.80 In answer to the allegations in paragraph 1.80 of Plaintiff's Second Amended
23 Complaint, Defendants state that they are without sufficient information to admit or deny the
24 allegations, and therefore, deny the same.

1 1.81 In answer to the allegations in paragraph 1.81 of Plaintiff's Second Amended
2 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
3 that they are without sufficient information to admit or deny the allegations, and therefore, deny
4 the same.

5 1.82 In answer to the allegations in paragraph 1.82 of Plaintiff's Second Amended
6 Complaint, Defendants object as to relevance. Defendants further answer that they are without
7 sufficient information to admit or deny the allegations, and therefore, deny the same.

8 1.83 In answer to the allegations in paragraph 1.83 of Plaintiff's Second Amended
9 Complaint, Defendants state they are without sufficient information to admit or deny the
10 allegations, and therefore, deny the same.

11 1.84 In answer to the allegations in paragraph 1.84 of Plaintiff's Second Amended
12 Complaint, Defendants state they are without sufficient information to admit or deny the
13 allegations, and therefore, deny the same.

14 1.85 In answer to the allegations in paragraph 1.85 of Plaintiff's Second Amended
15 Complaint, Defendants state that they are without sufficient information to admit or deny the
16 allegations, and therefore, deny the same.

17 1.86 In answer to the allegations in paragraph 1.86 of Plaintiff's Second Amended
18 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
19 that they are without sufficient information to admit or deny the allegations, and therefore, deny
20 the same.

21 1.87 In answer to the allegations in paragraph 1.87 of Plaintiff's Second Amended
22 Complaint, Defendants state that they are without sufficient information to admit or deny the
23 allegations, and therefore, deny the same.

24 1.88 In answer to the allegations in paragraph 1.88 of Plaintiff's Second Amended

1 Complaint, Defendants state that they are without sufficient information to admit or deny the
2 allegations, and therefore, deny the same.

3 1.89 In answer to the allegations in paragraph 1.89 of Plaintiff's Second Amended
4 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
5 that they are without sufficient information to admit or deny the allegations, and therefore, deny
6 the same.

7 1.90 In answer to the allegations in paragraph 1.90 of Plaintiff's Second Amended
8 Complaint, Defendants state that they are without sufficient information to admit or deny the
9 allegations, and therefore, deny the same.

10 1.91 In answer to the allegations in paragraph 1.91 of Plaintiff's Second Amended
11 Complaint, Defendants state that the kites speak for themselves. As to any remaining
12 allegations, Defendants further answer that they are without sufficient information to admit or
13 deny the allegations, and therefore, deny the same.

14 1.92 In answer to the allegations in paragraph 1.92 of Plaintiff's Second Amended
15 Complaint, Defendants state that they are without sufficient information to admit or deny the
16 allegations, and therefore, deny the same.

17 1.93 In answer to the allegations in paragraph 1.93 of Plaintiff's Second Amended
18 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
19 that they are without sufficient information to admit or deny the allegations, and therefore, deny
20 the same.

21 1.94 In answer to the allegations in paragraph 1.94 of Plaintiff's Second Amended
22 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
23 that they are without sufficient information to admit or deny the allegations, and therefore, deny
24 the same.

1 1.95 In answer to the allegations in paragraph 1.95 of Plaintiff's Second Amended
2 Complaint, Defendants state that they are without sufficient information to admit or deny the
3 allegations, and therefore, deny the same.

4 1.96 In answer to the allegations in paragraph 1.96 of Plaintiff's Second Amended
5 Complaint, Defendants state that they are without sufficient information to admit or deny the
6 allegations, and therefore, deny the same.

7 1.97 In answer to the allegations in paragraph 1.97 of Plaintiff's Second Amended
8 Complaint, Defendants state that they are without sufficient information to admit or deny the
9 allegations, and therefore, deny the same.

10 1.98 In answer to the allegations in paragraph 1.98 of Plaintiff's Second Amended
11 Complaint, Defendants state that they are without sufficient information to admit or deny the
12 allegations, and therefore, deny the same.

13 1.99 In answer to the allegations in paragraph 1.99 of Plaintiff's Second Amended
14 Complaint, Defendants state that they are without sufficient information to admit or deny the
15 allegations, and therefore, deny the same.

16 1.100 In answer to the allegations in paragraph 1.100 of Plaintiff's Second Amended
17 Complaint, Defendants state that they are without sufficient information to admit or deny the
18 allegations, and therefore, deny the same.

19 1.101 In answer to the allegations in paragraph 1.101 of Plaintiff's Second Amended
20 Complaint, Defendants state that they are without sufficient information to admit or deny the
21 allegations, and therefore, deny the same.

22 1.102 In answer to the allegations in paragraph 1.102 of Plaintiff's Second Amended
23 Complaint, Defendants object as to relevance and state that the allegation contains hearsay.
24 Defendants further answer that they are without sufficient information to admit or deny the

1 allegations, and therefore, deny the same.

2 1.103 In answer to the allegations in paragraph 1.103 of Plaintiff's Second Amended
3 Complaint, Defendants state that they are without sufficient information to admit or deny the
4 allegations, and therefore, deny the same.

5 1.104 In answer to the allegations in paragraph 1.104 of Plaintiff's Second Amended
6 Complaint, Defendants object as to relevance and state that the allegation contains hearsay.
7 Defendants further answer that they are without sufficient information to admit or deny the
8 allegations, and therefore, deny the same.

9 1.105 In answer to the allegations in paragraph 1.105 of Plaintiff's Second Amended
10 Complaint, Defendants state that the allegation contains hearsay. Defendants further answer that
11 they are without sufficient information to admit or deny the allegations, and therefore, deny the
12 same.

13 1.106 In answer to the allegations in paragraph 1.106 of Plaintiff's Second Amended
14 Complaint, Defendants state that the allegations are argumentative. Defendants deny the same.

15 1.107 In answer to the allegations in paragraph 1.107 of Plaintiff's Second Amended
16 Complaint, Defendants state that they are without sufficient information to admit or deny the
17 allegations, and therefore, deny the same.

18 1.108 In answer to the allegations in paragraph 1.108 of Plaintiff's Second Amended
19 Complaint, Defendants state that they are without sufficient information to admit or deny the
20 allegations, and therefore, deny the same.

21 1.109 In answer to the allegations in paragraph 1.109 of Plaintiff's Second Amended
22 Complaint, Defendants state that the allegations are argumentative. Defendants further answer
23 that they are without sufficient information to admit or deny the allegations, and therefore, deny
24 the same.

1 **Injury** No paragraph number is provided. In answer to this paragraph, Defendants deny
2 the same.

3 1.110-1.114 In answer to the allegations in paragraph 1.110 – 1.114 of Plaintiff's
4 Second Amended Complaint, these answering Defendants deny the same.

5 1.115 -1.122 Ed Troyer and Patti Jackson have been dismissed as defendants from this
6 lawsuit and no answer is required to paragraphs 1.115-1.122. To the extent that any answers is
7 required, Defendants deny the same.

8 1.123 In answer to the allegations in paragraph 1.123 of Plaintiff's Second Amended
9 Complaint, these answering Defendants deny the same.

10 1.124-1.125 In answer to the allegations in paragraph 1.124-1.125 of Plaintiff's Second
11 Amended Complaint, these answering Defendants deny the same.

12 1.126-1.134 Defendants incorporate all answers to prior paragraphs and as to any
13 remaining allegations, these answering Defendants deny the same.

14 In answer to the Prayer for Relief stated in Plaintiff's Second Amended Complaint, these
15 answering Defendants deny that Plaintiff is entitled to any of the relief requested.

16 **II. AFFIRMATIVE AND OTHER DEFENSES**
17 **FURTHER, AND BY WAY OF AFFIRMATIVE AND OTHER DEFENSES, AND**
18 **ALL OTHER MATTERS OF AVOIDANCE, DEFENDANTS ALLEGE AS FOLLOWS:**

- 19 1. FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES
- 20 2. NO NOTICE OF DEFECT
- 21 3. NO CLAIM FILING AS REQUIRED BY RCW 4.96.020
- 22 4. NO VIOLATION(S) OF CONSTITUTIONAL RIGHTS BY PERSONAL
23 ACTIONS OF INDIVIDUAL DEFENDANTS
- 24 5. QUALIFIED IMMUNITY: Defendants are entitled to qualified immunity as to
both state and federal claims.

- 1 6. REASONABLE CARE: Defendants' actions were reasonable and they did not act
- 2 with deliberate indifference.
- 3 7. DISCRETIONARY IMMUNITY: Defendant(s) state that all actions of
- 4 Defendants alleged as negligence, manifests a reasonable exercise of judgment
- 5 and discretion by authorized public officials made in the exercise of governmental
- 6 authority entrusted to them and are neither tortious nor actionable.
- 7 8. GOOD FAITH: Defendants at all times acted in good faith in the performance of
- 8 their duties and is therefore immune from suit for the matters charged in
- 9 Plaintiff's Second Amended Complaint.
- 10 9. NEGLIGENCE/INTENTIONAL ACT OF THIRD PARTY OR PARTIES:
- 11 Defendants state that any alleged damages and/or injuries, if any, claimed by the
- 12 Plaintiff were proximately caused or contributed to by the negligence and/or
- 13 intentional conduct of another/others, including but not limited to other inmates,
- 14 and not from any act or omission by Defendants.
- 15 10. COMPARATIVE FAULT: Plaintiff's alleged injuries and damages, if any, were
- 16 proximately caused or contributed to by the fault of Plaintiff.
- 17 11. INTERVENING/SUPERSEDING CAUSE: Defendants state that Plaintiff's
- 18 claims were caused or made worse by an intervening, supervening and/or
- 19 superseding event or events.
- 20 12. FAILURE TO MITIGATE: Defendant states that if Plaintiff suffered any injury
- 21 or damages, recovery is barred or mitigated by Plaintiff's failure to mitigate
- 22 damages.

16 **III. PRAYER FOR RELIEF**

17 **WHEREFORE**, having fully answered Plaintiff's said Complaint, Defendants pray the
18 Court for the following relief:

- 19 1. That Plaintiff's Second Amended Complaint be dismissed with prejudice;
- 20 2. That Defendants be awarded their costs and reasonable attorney fees incurred
herein;
- 22 3. That Defendants be allowed to reserve the right to amend this Answer to assert
such cross-claims, counterclaims, and/or third party claims as during the course of discovery
24 herein becomes proper;

4. For such other and further relief as may appear just and equitable in the premises.

DATED this 13th day of May, 2022.

MARY E. ROBNETT
Prosecuting Attorney

s/ FRANK CORNELIUS
FRANK CORNELIUS, WSBA #29590
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CERTIFICATE OF SERVICE

On May 13, 2022, I hereby certify that I electronically filed the foregoing PIERCE COUNTY DEFENDANTS' ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Justin Allen Davey
echotawolfclan@gmail.com

s/ NADINE BRITTAINE
NADINE BRITTAINE
Legal Assistant
Pierce County Prosecutor's Office
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